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Paper No. 4

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**JUN 07 2001**

**OFFICE OF PETITIONS  
A/C PATENTS**

~~In re Application of  
Frank W. Ahern  
Application No. 09/130,058  
Filed: August 6, 1998  
Attorney Docket No. 1 DOS 14~~

**DECISION GRANTING PETITION**

~~In re Application of  
Frank W. Ahern  
Application No. 09/819,053  
Filed: May 20, 2000  
Attorney Docket No. 101950.00027~~

This is a decision on the petition filed February 20, 2001, requesting that an application of FRANK W. AHERN entitled "SYSTEM ENABLING DEVICE COMMUNICATION IN AN EXPANDED COMPUTING DEVICE" (attorney docket No. 101950.00027) improperly filed pursuant to 37 CFR 1.53(d) be accorded a filing date of May 20, 2000 under 37 CFR 1.53(b).

Petitioner alleges that original application papers were filed in the Patent and Trademark Office (PTO) on May 20, 2000. In support, petitioner has supplied a copy of his postcard receipt followed by a copy of the original application papers as shown by counsel's file. The postcard receipt acknowledges the filing on May 20, 2000 of:

1. CPA Application
2. Declaration and Power of Attorney
3. Filing Fee; and
4. Postcard

The papers identified on the postcard receipt cannot be located in the PTO. However, PTO finance records do confirm receipt of CPA filing fees being paid on May 20, 2000 in Application No. 09/130,058.

On May 25, 2001, petitioner filed a copy of a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) of prior application No. 09/130,058, a declaration under 37 CFR 1.63 and a copy of the original specification and drawings from the prior application purportedly filed on May 20, 2000.

The present petition is being construed as a positive affirmation by the registered practitioner that the papers filed in the PTO on May 25, 2001, are true copies of the original application papers shown by counsel's file to have been filed in the PTO on May 20, 2000. Applicants should notify this office if the original papers are subsequently discovered in the PTO so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

Petitioner now indicate that the application was inadvertently filed pursuant to 37 CFR 1.53(d) and requests that the request for a CPA be treated as an application under 37 CFR 1.53(b), and accorded a filing date of May 20, 2000. It is noted that application No. 09/130,058 issued as U.S. Patent No. 6,070,214 on May 30, 2000, as a result of the payment of the issue fee on April 7, 2000.

The petition is GRANTED.

The copy of the request for a CPA application, including the accompanying papers filed May 25, 2001, and the petition filed February 20, 2001, have been assigned application No. 09/819,053. All future correspondence concerning the continuing application filed May 20, 2000 should be directed to application No. 09/819,053. One of the CPA filing fees paid in application No. 09/130,058 on May 20, 2000, will be reapplied to application No. 09/819,053.

Thereafter, application No. 09/130,058 will be returned to the Files Repository.

Application No. 09/819,053 is being forwarded to Initial Patent Examination Division for further processing, with a filing date of May 20, 2000, as an application filed pursuant to 37 CFR 1.53(b), not a CPA under 37 CFR 1.53(d), using the application papers supplied on May 25, 2001.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.



Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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~~In re Application of  
Frank W. Ahern  
Application No. 09/130,058  
Filed: August 6, 1998  
Attorney Docket No. 1 DOS 14~~

**OFFICE OF PETITIONS  
A/C PATENTS**

~~In re Application of  
Frank W. Ahern  
Application No. 09/819,054  
Filed: May 20, 2000  
Attorney Docket No. 101950.00028~~

**DECISION GRANTING PETITION**

This is a decision on the petition filed February 20, 2001, requesting that an application of FRANK W. AHERN entitled "UNIQUE SERIAL PROTOCOL MIMICKING PARALLEL BUS" (attorney docket No. 101950.00028) improperly filed pursuant to 37 CFR 1.53(d) be accorded a filing date of May 20, 2000 under 37 CFR 1.53(b).

Petitioner alleges that original application papers were filed in the Patent and Trademark Office (PTO) on May 20, 2000. In support, petitioner has supplied a copy of his postcard receipt followed by a copy of the original application papers as shown by counsel's file. The postcard receipt acknowledges the filing on May 20, 2000 of:

1. CPA Application
2. Declaration and Power of Attorney
3. Filing Fee; and
4. Postcard

The papers identified on the postcard receipt cannot be located in the PTO. However, PTO finance records do confirm receipt of CPA filing fees being paid on May 20, 2000 in Application No. 09/130,058.

On May 25, 2001, petitioner filed a copy of a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) of prior application No. 09/130,058, a declaration under 37 CFR 1.63 and a copy of the original specification and drawings from the prior application purportedly filed on May 20, 2000.

The present petition is being construed as a positive affirmation by the registered practitioner that the papers filed in the PTO on May 25, 2001, are true copies of the original application papers shown by counsel's file to have been filed in the PTO on May 20, 2000. Applicants should notify this office if the original papers are subsequently discovered in the PTO so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

Petitioner now indicate that the application was inadvertently filed pursuant to 37 CFR 1.53(d) and requests that the request for a CPA be treated as an application under 37 CFR 1.53(b), and accorded a filing date of May 20, 2000. It is noted that application No. 09/130,058 issued as U.S. Patent No. 6,070,214 on May 30, 2000, as a result of the payment of the issue fee on April 7, 2000.

The petition is GRANTED.

The copy of the request for a CPA application, including the accompanying papers filed May 25, 2001, and the petition filed February 20, 2001, have been assigned application No. 09/819,054. All future correspondence concerning the continuing application filed May 20, 2000 should be directed to application No. 09/819,054. One of the CPA filing fees paid in application No. 09/130,058 on May 20, 2000, will be reapplied to application No. 09/819,054.

Thereafter, application No. 09/130,058 will be returned to the Files Repository.

Application No. 09/819,054 is being forwarded to Initial Patent Examination Division for further processing, with a filing date of May 20, 2000, as an application filed pursuant to 37 CFR 1.53(b), not a CPA under 37 CFR 1.53(d), using the application papers supplied on May 25, 2001.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.



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